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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 1, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Written Ex Parte Presentation in Nondiscrimination in the Distribution of
Interactive Television Services Over Cable - CS Docket No. 01-07 *01-1*

Dear Ms. Salas:

In the interest of developing a clear record upon which the Commission may act, broadcasters and the undersigned programming networks would like to pose the following question and invite other interested parties to respond in their Reply Comments:¹

Will consumers who have paid their MVPD for both television service and broadband Internet service be able to access, and conduct business with, any site of their choice including site visits prompted by "triggers" imbedded in their television service?

The central question posed in this proceeding is whether consumers will be free to access any site they choose on the new Interactive Television platforms being deployed by MVPDs. Typically, these services will be offered through a set-top box that contains both a broadband modem for Internet service and a television tuner for video programming services. Both video programming and Internet content will flow to consumers over the MVPD's broadband conduit. The question that must be answered now (before anti-consumer architecture is set in stone), is whether consumers who have paid for the use of both the broadband modem and the TV tuner will enjoy the same freedom of navigation that is characterized by the openness of today's Enhanced/Interactive applications that rely on narrowband Internet access.²

¹ This letter is being filed pursuant to Section 1.1206 of the Commission's rules, and an original and one copy of this letter are being filed in the record of the above-captioned proceeding. In addition, a copy of this letter is being mailed to all parties who filed initial comments in this proceeding.

² A specific example may be helpful in framing the question. Today consumers who pay for narrowband Internet access may choose to visit abc.com. Likewise, consumers who pay for broadband Internet access (via DSL or cable modem) also may choose to visit abc.com. All of these consumers have access to the same content and features on abc.com, regardless of how they have accessed the site or which ISP they use. The question is whether consumers will retain that equality of access when the visit to abc.com is prompted by a "trigger" in a television channel available to the consumer.


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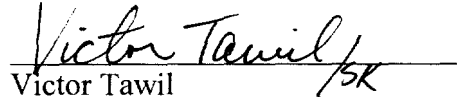
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Today, hundreds of thousands of consumers freely access "two-screen" Enhanced/Interactive Television applications. They receive video programming on their TV screens via cable and complementary Internet content via dial-up on a computer monitor. Because the Enhanced/Interactive portion of telecasts is transmitted over the telephone network, consumers who have paid for Internet service enjoy unimpeded access to all the interactive features delivered over the Internet. And, because MVPD-based broadband Internet access providers have thus far, in the early stages of deployment, preserved the same openness, subscribers to these services also are free to access any Enhanced/Interactive site using their cable modems. Today's "two-screen" Enhanced/Interactive applications are already migrating to a single screen, using WebTV or AOLTV, for example. As future generations of such services combine the video and broadband connections in a single set-top box, consumers must remain free to access any site of their choice.

Broadcasters and the undersigned programming networks urge all interested parties to address the question set forth above as part of their Reply Comments. And, we urge the Commission to focus on this critical public interest question in crafting proposed rules to ensure that consumers remain free to access the sites of their choice. It is not premature to ask MVPDs to answer this question with clarity. And, it is not premature for the Commission to make the fundamental public policy choice between open and closed architecture in Enhanced /Interactive Television.

Very truly yours,


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